



**U. S. DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

DATE PREPARED 09-21-78

RE: SUNNY CREST ORCHARDS
CASE NO. 78-TLC-156

MATTER IS ON APPEAL BY EMPLOYER, SUNNY CREST ORCHARDS, STERLING MASSACHUSETTS OF A DENIAL OF TEMPORARY LABOR CERTIFICATION BY THE REGIONAL ADMINISTRATOR, DATED SEPTEMBER 13, 1978. APPEAL WAS RECEIVED ON SEPTEMBER 18, 1978, AND THE PERTINENT CASE FILE WAS RECEIVED IN THIS OFFICE ON SEPTEMBER 20, 1978,

EMPLOYER FILED A TEMPORARY LABOR CERTIFICATION APPLICATION FOR FOUR WORKERS. CERTIFICATION WAS DENIED BECAUSE EMPLOYER FAILED TO DOCUMENT HIS EFFORTS TO RECRUIT U.S. WORKERS.

EMPLOYER'S RESPONSE IS THAT HE NEVER RECEIVED THE REGIONAL ADMINISTRATOR'S LETTER OF JULY 28, 1978 WHICH INFORMED HIM OF HIS SPECIFIC OBLIGATIONS WITH RESPECT TO SUCH DOCUMENTATION.

BE THAT AS IT MAY, THE REGIONAL ADMINISTRATOR'S DECISION WAS REQUIRED BY THE RECORD BEFORE HIM. HE COULD NOT HAVE PROPERLY TAKEN ANY OTHER ACTION. THIS BEING THE CASE, THE REGULATIONS (20 CFR 655.212) REQUIRE ME TO AND I DO HEREBY AFFIRM THE DENIAL OF CERTIFICATION.

THIS IS THE FINAL DECISION OF THE DEPARTMENT OF LABOR IN THIS MATTER. FURTHER REVIEW MAY BE OBTAINED BY FILING A PETITION WITH THE DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE IN YOUR GEOGRAPHICAL AREA PURSUANT TO 8 CFR 214.2(H)(3)(1).

THIS DECISION IS BEING TRANSMITTED TO HENRY T. BRODERICK, SUNNY CREST ORCHARDS, THE REGIONAL ADMINISTRATOR, THE ADMINISTRATOR OF THE U.S. EMPLOYMENT SERVICE, THE ASSOCIATE SOLICITOR FOR EMPLOYMENT AND TRAINING AND THE DIRECTOR OF THE IMMIGRATION AND NATURALIZATION SERVICE.

ERIC FEIRTAG
HEARING OFFICER
U.S. DEPARTMENT OF LABOR

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